



DEPARTMENT OF THE NAVY

OFFICE OF THE SECRETARY  
WASHINGTON, D C 20350-1000

SECNAVINST 3850.2B  
OP-092E

24 February 1991

SECNAV INSTRUCTION 3850.2B

From: Secretary of the Navy

Subj: DEPARTMENT OF THE NAVY COUNTERINTELLIGENCE

Ref: (a) Executive Order 12333  
(b) DoDDIR 5240.1 of 25 Apr 88 (NOTAL)  
(c) DoDINST 5240.10 of 18 May 90 (NOTAL)  
(d) SECNAVINST 5520.3A

Encl: (1) DOD Directive 5240.2 of Jun 83

1. Purpose. To implement enclosure (1) and restate responsibility for Counterintelligence (CI) within the Department of the Navy (DoN).

2. Cancellation. SECNAVINST 3850.2A

3. Discussion. Enclosure (1) implements the provisions of reference (a) as it pertains to the assignment of CI responsibilities to the Secretary of Defense. Enclosure (1) also establishes and maintains a comprehensive, integrated and coordinated CI effort within the Department of Defense (DOD) and assigns responsibilities for direction, management, coordination, and control of such activities as conducted by the Military Departments under authority of references (a) and (b).

4. Responsibilities. The CI responsibilities of the Secretary of the Navy shall be conducted under the supervision of the Chief of Naval Operations (CNO) and the Commandant of the Marine Corps (CMC) as follows:

a. The Director of Naval Intelligence (DNI), OP-092, is charged with overall responsibility for development of DoN CI policy and for monitoring Navy CI policy implementation. In formulating DoN CI policy, the DNI is required to consult and coordinate with the Marine Corps Director of Intelligence (DIRINT), who is charged with primary responsibility for development of Marine Corps CI policy and for monitoring CI policy implementation in respect to the Marine Corps. The DNI



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exercises his CI responsibilities, in coordination with the DIRINT, through the Associate DNI for CI (ADNI (CI)), OP-092E, which is an additional duty for Commander, Naval Investigative Service Command (NISCOM).

b. Commander, NISCOM has exclusive responsibility for execution of DoN CI programs and implementation of DoN CI policy, with the exception of those combat and combat contingency-related CI responsibilities of the Marine Corps pursuant to references (c) and (d).

c. Commander, NISCOM, under the established chain of command and following or under the provisions of reference (a) and related directives, shall comply with paragraph H2 of enclosure (1) in coordination with DNI and DIRINT as appropriate.



Dan Howard

Under Secretary of the Navy

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June 6, 1983

NUMBER 5240.2

**Department of Defense Directive**

USD(P)

**SUBJECT: DoD Counterintelligence**

- References:**
- (a) DoD Directive 5240.2, "Department of Defense Counterintelligence," December 18, 1979 (hereby canceled)
  - (b) Executive Order 12333, "United States Intelligence Activities," December 4, 1981
  - (c) DoD Directive 5240.1, "Activities of DoD Intelligence Components that Affect U.S. Persons," December 3, 1982
  - (d) DoD Directive 5148.11, "Assistant to the Secretary of Defense (Intelligence Oversight)," December 1, 1982
  - (e) DoD Directive 5000.19, "Policies for the Management and Control of Information Requirements," March 12, 1976

**A. REISSUANCE AND PURPOSE**

This Directive:

1. Reissues reference (a).
2. Implements reference (b) as it pertains to the assignment of counterintelligence (CI) responsibilities to the Secretary of Defense and the Military Departments.
3. Establishes and maintains a comprehensive, integrated, and coordinated CI effort within the Department of Defense.
4. Assigns responsibilities for the direction, management, coordination, and control of such activities conducted under the authority of reference (b) and this Directive.
5. Establishes the Defense Counterintelligence Board (DCIB).

**B. APPLICABILITY**

This Directive applies to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff (OJCS), the Unified and Specified Commands, and the Defense Agencies (hereafter referred to collectively as "DoD Components").

**C. DEFINITIONS**

Terms used in this Directive are defined in reference (b), except for the following.

Enclosure (1)

1. Counterintelligence Investigation. The meaning as used in the "Agreement Governing the Conduct of Defense Department Counterintelligence Activities in Conjunction with the Federal Bureau of Investigation," between the Attorney General and the Secretary of Defense, April 5, 1979 (hereafter referred to as the "Agreement"), that is, "the systematic collection of information regarding a person or group which is, or may be engaged in, espionage or other clandestine intelligence activity, sabotage, international terrorist activities or assassinations conducted for, or on behalf of, foreign powers, organizations or persons."

2. Counterintelligence Operations. The meaning as used in the "Agreement," that is, "actions taken against hostile intelligence services to counter espionage and other clandestine intelligence activities damaging to the national security."

#### D. POLICY

It is DoD policy that CI activities shall be:

1. Undertaken to detect, identify, assess, and counter or neutralize the intelligence collection efforts, other intelligence activities, sabotage, terrorist activities, and assassination efforts of foreign powers, organizations, or persons directed against the Department of Defense, its personnel, information, material, and activities.

2. Conducted in accordance with applicable statutes, E.O. 12333 (reference (b)), and other DoD issuances that govern and establish guidelines and restrictions for these activities. This includes the procedures that are issued under DoD Directive 5240.1 (reference (c)) and that govern, among other things, CI activities that affect U.S. persons.

3. Conducted in accordance with this Directive, other DoD issuances, and the policy, standards, criteria, and operational guidelines established by the Secretary of Defense or designee.

4. Coordinated within the United States in accordance with the "Agreement" (identified in subsection C.1., above) between the Attorney General and the Secretary of Defense, and outside the United States with the Director of Central Intelligence.

5. Inspected in accordance with DoD Directive 5148.11 (reference (d)).

#### E. DELEGATION OF AUTHORITY

The Deputy Under Secretary of Defense for Policy (DUSD(P)), under the direction, management, and control of the Under Secretary of Defense for Policy, is delegated the authority to act for the Secretary of Defense in carrying out CI responsibilities assigned by reference (b).

#### F. PROCEDURES

To achieve DoD CI objectives, DoD intelligence and CI components authorized by section H., below, shall engage in the following CI activities and functions designed to protect the Department of Defense.

1. Conduct CI investigations to detect and neutralize or prevent espionage activities and detect and resolve incidents of foreign-directed sabotage, terrorist activities, and assassinations.

2. Employ offensive CI operations against hostile foreign intelligence services to identify and exploit hostile agents, lessen the hostile intelligence threat, uncover espionage penetrations of the Department of Defense, and identify hostile intelligence targeting of DoD personnel, information, and resources.

3. Collect, analyze, evaluate, and disseminate information of CI significance; and prepare studies, estimates, and analyses of (a) foreign intelligence services, their organization, methods of operation, personnel, activities, communications, funding, and support and (b) international terrorism and related security threats to DoD interests.

4. Prepare, in support of DoD operations security programs, studies and analyses of the multidisciplinary intelligence threat posed to the Department of Defense by foreign intelligence services, including systems, targeting, control mechanisms, deployment, and capabilities.

#### G. DEFENSE COUNTERINTELLIGENCE BOARD

##### 1. Organization and Management

a. The DCIB shall be chaired by the Director for Counterintelligence and Security Policy, Office of the DUSD(P) (ODUSD(P)). The Director, Counterintelligence and Investigative Programs, ODUSD(P), shall serve as Executive Secretary.

b. The DCIB membership shall include the Assistant General Counsel (International); the Assistant to the Secretary of Defense (Intelligence Oversight); and one representative from each of the Military Department CI components, the Defense Intelligence Agency (DIA), and the National Security Agency/Central Security Service (NSA/CSS).

c. The DCIB shall be supported by subcommittees, with participation from those organizations represented on the DCIB and the OJCS. Chairs of the subcommittees shall be appointed by the Chair, DCIB.

2. Functions. The DCIB shall advise and assist the DUSD(P) on CI matters within the purview of E.O. 12333 (reference (b)) and this Directive.

#### H. RESPONSIBILITIES

##### 1. The Deputy Under Secretary of Defense for Policy shall:

a. Exercise policy supervision over and manage DoD CI programs and activities as defined in this Directive.

b. Establish policies and procedures for the conduct and administration of DoD CI activities.

c. Review and evaluate the CI plans, programs, projects, and activities of the DoD Components.

d. Establish program goals, objectives, standards, and priorities and promulgate planning guidance for DoD resources engaged in CI.

e. Act as program manager for DoD resources included in the DoD Foreign Counterintelligence (FCI) Program; review proposed Military Department and DIA CI resource programs for efficiency and effectiveness; formulate budget estimates for the DoD FCI Program; allocate resources to these programs; review costs, budgets, and financial plans; and evaluate the implementation of approved programs.

f. Conduct assessments of the effectiveness of CI support to users, the quality of the CI product, and the effectiveness and efficiency of DoD CI components and systems; review and monitor the progress of offensive CI operations; and approve or refer to the National Security Council (NSC) sensitive operations that involve significant policy issues.

g. Coordinate DoD CI programs and activities with other U.S. Government organizations.

h. Provide staff support to the Secretary of Defense on NSC matters and provide for DoD representation on national, international, and interdepartmental boards, committees, and other organizations involved in CI matters.

i. Conduct, or provide for the conduct of, staff inspections of DoD CI components to monitor established programs.

j. Assign special tasks to DoD Components as may be necessary to accomplish DoD CI objectives.

2. The Secretaries of the Military Departments shall:

a. Provide for the conduct, direction, management, coordination, and control of CI activities in accordance with this Directive and E.O. 12333 (reference (b)).

b. Maintain, operate, and manage their respective CI components in accordance with the authorities and responsibilities assigned in this Directive and provide personnel, equipment, and facilities that CI tasks require.

c. Establish Military Department plans, programs, policies, and procedures to accomplish authorized CI missions.

d. Establish and maintain a worldwide CI capability for the purposes outlined in subsection D.1., above.

e. Develop CI techniques, methods, and equipment required for CI activities.

f. Provide CI support to other DoD Components, U.S. Government organizations, and foreign CI and security agencies as provided for in this Directive and reference (b).

g. Provide basic and specialized training to CI personnel.

h. Submit CI operational data and prepare CI analyses as requested by the DUSD(P).

i. Establish and maintain liaison with FCI and security agencies in accordance with policies formulated by the Director of Central Intelligence and as provided in E.O. 12333 (reference (b)) and coordinate Military Department programs and activities with other U.S. Government organizations.

j. Participate on DoD, national, international, and interdepartmental boards, committees, and other organizations involving CI as requested by the DUSD(P).

3. The Director, Defense Intelligence Agency, shall:

a. Prepare joint and DoD-level multidisciplinary analyses of foreign intelligence and international terrorist threats to joint and DoD-level military security interests.

b. Coordinate the CI production programs of the Military Departments and publish annually a DoD CI production schedule and a DoD CI Publications Registry.

c. Ensure that adequate, timely, and reliable CI analysis and production support is provided to the JCS and the Unified and Specified Commands.

d. Establish and maintain a DoD CI data base, consistent with DoD Directive 5000.19 (reference (e)), to support the DoD CI production efforts of the DoD Components concerned.

e. Participate on DoD, national, international, and interdepartmental boards, committees, and other organizations involving CI as requested by the DUSD(P).

f. Provide staff support to the Chairman, JCS, on NSC matters and represent the interests of the Chairman, JCS, on the DCIB.

4. The Director, National Security Agency/Chief, Central Security Service, shall:

a. Collect, process, and disseminate signals intelligence information for CI purposes.

b. Participate in the production of multidisciplinary intelligence threat analyses as required.

c. Participate on DoD, national, and interdepartmental boards, committees, and other organizations involving CI as requested by the DUSD(P).

5. The Heads of DoD Components (except Military Department Secretaries) shall:

a. Refer matters of a CI nature involving:

(1) Military personnel assigned to their Components to the Military Department concerned for appropriate investigation and disposition.



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(2) Civilian personnel employed by their Components in the United States to the Federal Bureau of Investigation (FBI) and, when overseas, to the Military Department responsible for providing administrative and logistical support.

b. Request the Military Departments, DIA, and NSA/CSS to provide CI support and information, as provided in subsections H.2. through H.4., above.

c. Notify the DUSD(P) when such referrals or requests are made and a Military Department, Defense Agency, or the FBI declines to provide requested CI support or information.

I. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. Existing implementing documents still are adequate; no further implementation is necessary.

  
PAUL THAYER  
Deputy Secretary of Defense